

FILED
JAMES B. HUNN
CLERK

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CARMEN CARTER

Case Number: C-1-00-977

Plaintiff

Sr. Judge Herman J. Weber

vs

THE E. W. SCRIPPS COMPANY

Defendant

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

Now comes the Plaintiff requesting the Court accept and grant this Motion and the attached Affidavit in Support of Motion to Proceed In Forma Pauperis.

As the Plaintiff is unemployed and symptoms of clinical depression have recently been exacerbated, she petitions the District Court grant permission to proceed In Forma Pauperis pursuant to 28 USC §1915. A Notice of Appeal to the Sixth Circuit Court of Appeals is being filed concurrently.

Recognizing the appointment of counsel to civil litigants is a decision at the discretion of District Court -- the Plaintiff requests the Court refer her case to the Volunteer Lawyers Project at the Legal Aid Society of Cincinnati. Unable to find an attorney willing to take employment law cases on contingency and financially unable to hire an attorney -- the Plaintiff has vainly attempted to manage her cases (including C-1-00-739), but is too ill to continue.

After speaking briefly with Krista Lohr at VLP and employees in Office of the Clerk, U.S. District Court, the Plaintiff now files this motion requesting the Court appoint counsel. Continuing without counsel risks an unfair advantage over the Plaintiff (in terms of fundamental unfairness as to due process) since the Defendant, The E. W. Scripps Company, a lucrative multi-media empire by contrast has a prestigious law firm (Baker & Hostetler) on retainer.

The requisite affidavit is attached.

Respectfully submitted,

A handwritten signature in cursive script, reading "Carmen Carter", positioned above a horizontal line.

Carmen Carter

Plaintiff

419 Probasco Street #7

Cincinnati, OH 45220

(513) 751-5076

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded by ordinary U.S. mail on January 14, 2003, to David Holcombe, Baker & Hostetler, 312 Walnut Street, Cincinnati, OH 45202 -- attorney for the Defendant, The E. W. Scripps Company.

A handwritten signature in cursive script, reading "Carmen Carter", positioned above a horizontal line.

Carmen Carter

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CARMEN CARTER

C-1-00-977

Plaintiff

Sr. Judge Herman J. Weber

vs

THE E. W. SCRIPPS COMPANY

Defendant(s)

AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED
IN FORMA PAUPERIS

I, Carmen Carter, being first duly sworn, depose and say that I am the Plaintiff in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, costs or give security therefore, I state that because of my indigence I am unable to pay the costs of said proceeding or to give security therefore; that I believe I am entitled to redress; and that the issues I wish to present are the following:

- (1) All Orders the Court granted the Defendant because the Plaintiff was incapable of responding are based on deliberately false or misleading information from the Defendant.
- (2) Vacatur of above mentioned Court Orders pursuant to Federal Rules of Civil Procedure 60(b)(1).
- (3) The Defendant not only has a pattern of discriminatory and disparate practices towards female and/or African-American employees -- management indulging in such conduct is promoted.

(4) The Plaintiff experienced disparate discipline in the employ of the Defendant.

(5) The Defendant violated federal employment discrimination laws.

(6) The Defendant elicited a paper trail campaign to terminate the Plaintiff's employment.

I further swear that the statements made below relative to my ability to pay the cost of prosecuting the appeal are true:

1. I am not employed. I last worked for the United States Postal Service between July and October 2003 at \$10 per hour for \$400 per week before taxes.

2. I have not been self employed in the last 12 months, nor have I received income in interest or dividends. Intermittently between January and June I had assignments through the temporary secretarial agency Tempo Help Inc. (Chillicothe, OH) at an hourly rate ranging between \$10 to \$13 depending on the assignment. An assignment could be a few weeks or considered an indefinite assignment.

3. I do not have a checking or savings account.

4. I do not own any real estate, stocks, bonds, or notes. I own a 1991 Mercury Topaz. On January 13, my church gave me a donated 1995 Chevy.

5. I have no dependents.

6. Early in 2003, I was evicted from the two-story townhouse, which had been my home for 12 years. I subsequently moved to a one-bedroom apartment. A series of documents relevant to this case were lost in the course of moving. Underemployment and unemployment, as well as the difficulty of managing this case and its sibling C-1-00-739. I had just started an assignment with the U.S. Postal Service, when my father died in July. Since then, the symptoms of clinical depression have been exacerbated and I have filed application for Social Security Disability and SSI.

I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

Carmen Carter

Carmen Carter

SUBSCRIBED AND SWORN TO before me this 14th day of January
2004.



[Signature]

William Douglass Bell, Sr., Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My Commission has no expiration
date. Section 547.03 O.R.C.

Let the applicant proceed without prepayment of costs or fees or the necessity of giving security therefor.
